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Our ref: KOY-9

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Y. USAGAWA et al: Art Unit: 1752

Serial No. : 10/686,062 : Examiner: T. Chea

Filed : October 15, 2003 :

Title : PHOTOTHERMOGRAPHIC IMAGING MATERIAL :

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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

I, Narito Goto, hereby declare and say as follows:

1. I presented the Declaration dated November 1, 2005 in this application.

2. I am aware that the Examiner has criticized the data in the November 2005 Declaration as not commensurate in scope with Formula (1) and Formula (2a). In order to address this criticism, additional tests have been performed using different compounds of Formula (1) and different compounds of Formula (2a). The additional tests demonstrate that unexpected results that are obtained when the photothermographic material contains a compound of Formula (1) and a compound of Formula (2a) compared to the teachings of (US 6,413,712), Murray (US 5,686,228) and Yamada (US 6,586,170). The additional tests were performed by myself or under my supervision and control.

3. Samples 801, 802 and 805-810 were prepared similar to Sample 001 in Table 1 at col. 48 of Yoshioka, except that compounds of Formula (1) and/or Formula (2a) were added as shown in the attached Table 8. Samples 802, 805, 806, 808 and 810 contained a compound of Formula (1) in an amount of 0.0003 mol/m^2. Samples 801, 802 and 805-810 contained a compound of Formula (2a) in an amount of 0.000024 mol/m^2.

4. Samples 811-818 were prepared similar to Sample 1* in Table 30 at col. 80 of Yamada, except that compounds of Formula (1) and/or Formula (2a) were added as shown in the attached Table 8. Samples 811-818 contained a compound of Formula (1) in an amount of 0.000044 mol/m^2. The compounds of Formula (1) were selected from Murray, because Yamada does not teach a compound within the scope of Formula (1). Samples 812-814, 816 and 818 contained a compound of Formula (2a) in an amount of 0.000035 mol/m^2.

5. The photographic performance of Samples 801, 802 and 805-818 was evaluated in the manner described at pages 250-252 of the present invention, except that a semiconductor laser at 660 nm was used for exposure. The results of the evaluations are illustrated in the attached Table 8. For Samples 801, 802 and 805-810, the sensitivity results are represented as a relative value where the sensitivity of Sample 801 was designated 100. For Samples 811-818, the sensitivity results are represented as a relative value where the sensitivity of Sample 811 was designated 100.

6. Table 8 demonstrates that a superior photothermographic material is obtained when the photosensitive layer contains a compound of Formula (1) and a compound of Formula (2a). Specifically, Inventive Samples 802, 805, 806, 808, 810, 812-814, 816 and 818 exhibited decreased initial photographic fog, increased initial sensitivity, improved stability in photographic fog after thermal development, improved stability shown by the small increase in maximum density after thermal development, and improved color tone compared to Comparative Samples 801, 807, 809, 811, 815 and 817.

7. I believe those in the art would be surprised that the Inventive Samples exhibit improved properties compared to the Comparative Samples because Yoshioka, Murray and Yamada do not teach or suggest the criticality of the combination of Formula (1) and Formula (2a).

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Narito Goto

Narito Goto

Dated: This 7th day of March, 2006.

Attached: Table 8

Table 8

Sample No:	Compound of Formula (1)	Compound of Formula (2a)	Photographic performance at prompt treatment		Image stability			remarks
			Photographic fog	Sensitivity	ΔPhotographic fog	ΔMax	Color tone	
801	None	II-31 of Yoshioka	0.09	100	0.09	0.33	3	Comp.
802	PR-04 of Murray	II-31 of Yoshioka	0.03	104	0.03	0.11	6	Inv.
805	PR-01 of Murray	II-31 of Yoshioka	0.03	104	0.03	0.10	6	Inv.
806	PR-03 of Murray	II-31 of Yoshioka	0.03	104	0.04	0.12	6	Inv.
807	None	II-3 of Yoshioka	0.09	100	0.08	0.32	3	Comp.
808	PR-04 of Murray	II-3 of Yoshioka	0.03	104	0.03	0.10	6	Inv.
809	None	II-17 of Yoshioka	0.11	100	0.11	0.36	2	Comp.
810	PR-04 of Murray	II-17 of Yoshioka	0.04	103	0.05	0.14	5	Inv.
811	PR-04 of Murray	None	0.06	100	0.08	0.27	2	Comp.
812	PR-04 of Murray	R-I-5 of Yamada	0.03	106	0.03	0.10	6	Inv.
813	PR-04 of Murray	R-I-8 of Yamada	0.04	104	0.05	0.15	5	Inv.
814	PR-04 of Murray	R-I-9 of Yamada	0.04	104	0.04	0.14	5	Inv.
815	PR-01 of Murray	None	0.06	101	0.07	0.25	2	Comp.
816	PR-01 of Murray	R-I-5 of Yamada	0.03	106	0.03	0.10	6	Inv.
817	PR-03 of Murray	None	0.07	101	0.08	0.26	2	Comp.
818	PR-03 of Murray	R-I-5 of Yamada	0.03	105	0.04	0.11	6	Inv.